

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3398 of 1990

WITH

SPECIAL CIVIL APPLICATION No 2003 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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HEIR OF GUNVANTRAI PATEL                      PINAKIN G PATEL

Versus

GUJARAT UNIVERSITY

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Appearance:

MR PARESH M DAVE for Petitioner

MS KALPANABEN BRAHMBHATT for MS.V. P SHAH for Respt No. 1

NOTICE SERVED for Respondent No. 3

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CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 05/05/2000

ORAL JUDGEMENT

So far as SCA No. 2003/89 is concerned, Ms. Kalpana Brahmbhatt for Ms. V P Shah states that the petitioner has taken away the papers in 1997 and though

the petitioner was asked to engage another lawyer, has not made any arrangement. The petitioner has thus not shown any interest in the litigation. This matter was notified earlier on 9.3.2000, 13.3.2000 and 14.3.2000. Ms. Kalpana Brahmabhatt states that the petitioner was informed that the matter has been placed on the Board for final hearing but he has not made any arrangements. In view of this, this petition is required to be dismissed for non-prosecution, and is hereby dismissed for non-prosecution. Rule is discharged. Ad-interim relief is vacated.

SPECIAL CIVIL APPLICATION NO.3398/1990:

This petition is filed by son of Late Mr. Gunwantbhai Patel. The deceased was rendering his services as Professor in a College run by respondent No.3, the petitioner in SCA No. 2003 of 1989. In view of the order passed by the Tribunal, he was entitled to three months' salary. The Tribunal held that the petitioner was required to be paid vacation salary, which, at the relevant time, was for a period from 15th March to 15th June, viz. three months. It appears that salary was not paid as grant was not received and, therefore, Spl. C.A. No. 2003/89 was filed by M.L. Gandhi Higher Education Society, seeking directions to respondents No. 1 to 4 directing them to sanction the salary bill for three months vacation salary of the late Gunvatrai Patel as may be submitted by the petitioner's College. The Court, at the time of hearing, directed the petitioner of Spl. C.A. No. 2003/89 to deposit a sum of Rs.8699/- with liberty to Respondent No. 2 to withdraw the same on furnishing security to the satisfaction of the Registrar of this Court. The Court further directed that if the respondent No. 2 does not furnish security and does not withdraw the amount, the Registrar shall invest the same in a Fixed Deposit initially for a period of two years. The Court further directed that thereafter the same shall be renewed. The petitioner of Spl. C.A. No. 3398/90 and respondent No.2 of Spl. C.A. No. 2003/89 is permitted to withdraw the amount with accrued interest on furnishing security to the satisfaction of the Registrar and also undertaking to refund the amount as and when directed by the Court. With these directions, this petition is disposed of.

It would be open for the petitioner of SCA No. 3398/90 to execute the order passed by the Tribunal by following the procedure in view of the judgment of the Division Bench in the case of G.R. BHATT VS. D.N. SANGHVI reported in 1996 (1) GLR 812.

(B.C. PATEL, J. )  
csm./